

COMMITTEE ON PLANNING & DEVELOPMENT
(Standing Committee of Berkeley County Council)

Chairman: Mrs. Judith K. Spooner, District No. 2

The COMMITTEE ON PLANNING & DEVELOPMENT met on Monday, November 18, 2002, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:23 p. m.

PRESENT: Mrs. Judith K. Spooner, Council Member District No. 2, Chairman; Mr. Milton Farley, Council Member District No. 1; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, Jr., ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Steve M. Vaughn, Council Member District No. 5 was excused.

Pursuant to the Freedom of Information Act notice of the meeting date, time, place and Agenda was posted on the bulletin board at the entrance of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Spooner called the meeting to order.

APPROVAL OF MINUTES:

Chairman Spooner asked the Committee's pleasure on the approval of minutes for the Committee on Planning and Development meeting held on October 21, 2002.

It was moved by Councilmember Farley and seconded by Councilmember Crosby to approve the minutes as presented. The motion was passed by unanimous voice vote of the Committee.

A. Review prior to Second Reading of Bill No. 02-56, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and to repeal in their entirety Ordinances Numbered 86-12-10, 87-9-17, 88-2-3 and 93-12-33.

Ms. Madelyn Robinson, County Planner addressed the Committee noting the following overview of the changes being proposed:

- The definition of "Street" in the Zoning Ordinance; to clarify the language that currently exists. This pertains to only Federal and State highways that have been formally dedicated and the state has formally accepted maintenance of such roads.

- Allowing two additional uses to the “General Commercial” Classification. A Townhouse-single family attached use, and a boarding facility for kennels and catteries.
- Heavy Industrial District: Currently allows landfills or waste disposal facilities as assessor uses. Proposing to move that from accessory uses to conditional use. The term “Waste Disposal Facility” is defined and add six conditions to that land use.
- Taking Berkeley Counties’ Sign Ordinance and it’s three subsequent amendments and adding them to the Zoning Ordinance. The numerous strikethroughs seen are a reflection of the fact much of the language is currently in the Zoning Ordinance. Language that exists in the Sign Ordinance has been clarified and some definitions and terminology have been added.

Chairman Spooner asked for clarification on pg. 9 Sec. 18.5, f. - Signs Exempt from Permit.

Ms. Robinson explained that pertains to the interchangeable letters or the pylon facing. The structure is not being changed; just the facing of the sign.

Councilmember Crosby asked what the bolded area on pg. 7, No. 29 was for?

Ms. Robinson indicated this was in the sign ordinance but did not have a definition. Therefore, a definition was added to clarify what a “Projecting Sign” refers to.

Chairman Spooner asked what the exhibits were for at the end of the Ordinance.

Ms. Robinson explained they reference the previous Planning & Development meeting regarding specific clarification on how Council wanted to enforce the measurements from proposed Off Premise Signs or Billboards to and existing Off Premise Signs or Billboards signs as well as other land uses. Language was added that states exactly how that would be measured.

Chairman Spooner referenced on Exhibit B where it shows a house on an opposite street within a 1000 ft. radius. She didn’t agree that it should be a part of the explanation because it wasn’t in direct obstruction to the land use (house).

Ms. Robinson explained that research was done on whether radial measuring was done in surrounding counties and it was.

Councilmember Crosby expressed his pleasure with the radial measuring. He believes as many restrictions as possible should be placed on signs. The sign could affect the house in question if it is erected 50 –60 ft. in the air.

Councilmember Mims stated she had problem with the Roads. She wanted to know if England Road was County maintained?

Mr. Frank Carson, County Engineer, explained Berkeley County was requested by the property owner to abandon the road. When a letter is received it is taken on good faith that the actual landowner signed the letter. Berkeley County always looks up on the land records who the owner of record is. Then Berkeley County sends the property owner a letter stating "based on this request or petition we are going to abandon on a certain date." In this case about three days before the abandonment date the property owner called and said he changed his mind. He was asked to document that request and forward to Berkeley County. Therefore, there was no change in the maintenance of the road.

It was moved by Councilmember Crosby and seconded by Councilmember Charlie Davis to send Bill No. 02-56 forward for Second Reading. The motion passed by unanimous voice vote of the Committee.

B. Review prior to Third Reading of Bill No. 02-54, an Ordinance to amend Section II of Ordinance No. 99-7-41 regarding permits, fees, inspections, and licenses; to amend Section IV of Ordinance No. 99-7-41 regarding the maximum penalty for violations of the building code.

MAIN MOTION

It was moved by Councilmember Farley and seconded by Councilmember Crosby to send Bill No. 02-54 forward for Third Reading.

Councilmember Pinckney stated he had a few concerns in regard to increasing fees, especially when they are directed at the rural areas. Also, the International Codes are still being considered and Council is unsure what will be done where they are concerned and considers this a double taxation.

Supervisor Rozier indicated that building inspection and permit fees are charged countywide. Even with what the fees are being raised to they are: \$443 less than Hanahan; \$450 less than N. Charleston; \$230 less than Charleston; the same as Bonneau; \$245 less than St. Stephens; \$16.65 more than Moncks Corner; \$817 less than Goose Creek; \$606 less than Summerville and \$216 less than Dorchester County. The fact is our rural areas get a better deal than do the municipalities. The goal is for building permit charges to pay the cost of inspecting the buildings; otherwise, the taxpayers pay the difference and they already pay the difference in the municipalities. The goal is for the department to pay it's own way.

Councilmember Pinckney asked if there was a shortfall in the Permitting Department? He believes we should not raise our fees because the other counties charge more than we do. "We don't raise taxes to match the taxes paid in other counties. I have a problem with this increase for the sake of increasing it and cannot support it."

Councilmember Steve Davis indicated the Committee has not been provided information showing any deficit in the Permitting Department. Likewise, he cannot support the increase.

Mr. Rozier stated he would get that information and that the goal was not to increase to keep up with other counties, but only to keep up with the cost of running the department.

AMENDMENT TO MAIN MOTION:

Councilmember Crosby moved and Councilmember Farley seconded to amend the main motion to send Bill No. 02-54 forward for Public Hearing only. The motion passed by majority voice vote of the Committee with Councilmember Steve Davis and Councilmember Pinckney voting "Nay."

It was moved by Councilmember Crosby and seconded by Councilmember Mims to adjourn the Committee on Planning and Development. The motion passed by unanimous voice vote of the Committee.

The meeting was adjourned at 7:45 p.m.

December 9, 2002
Date Approved